

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDY BELTRAMEA,

Defendant,

and concerning

**THIRD FEDERAL SAVINGS &
LOAN,**

Claimant,

and concerning

**JOANNE FISHER, ESTATE OF
JAMES RAY FISHER, CLARENCE
COBURN, DOROTHY COBURN,
ALAN FISHER, LAURA FISHER,
ALAN MAURER, NANCY MAURER,
JAMES TURBETT,**

Claimants,

and concerning

**ANGELWING EQUITY, LLC and
RANDY L. BELTRAMEA, LLC,**

Claimants.

No. CR13-0020

REPORT AND RECOMMENDATION

On the 12th day of March 2015, this matter came on for hearing on the Stipulation Re: 201 26th Street and 944 18th Avenue and Motion for Entry of Order (docket number 213) filed by Claimant Randy L. Beltramea, LLC, Claimant Angelwing Equity, LLC, and the United States on February 16, 2015. Plaintiff United States of America was represented by Assistant United States Attorney Martin J. McLaughlin. Defendant Randy Beltramea appeared personally and was represented by attorney Webb Wassmer. Mr. Wassmer also appeared on behalf of Claimants Angelwing Equity, LLC and Randy L. Beltramea, LLC. The “Fisher Claimants” were represented by their attorney, Brian J. Fagan. No appearance was made on behalf of Claimant Third Federal Savings & Loan. The movants ask the Court to approve a stipulation regarding the disposition of proceeds following any sale of the properties on 26th Street and 18th Avenue. Attached to the motion is a Proposed Order (docket number 213-1) approving their agreement.

The Court notes parenthetically that other parties have filed claims against the properties identified in the Second Superseding Indictment (docket number 59). On June 18, 2014, Third Federal Savings & Loan and the United States filed Stipulations (docket numbers 154 and 155) describing their agreements regarding their respective claims on properties at 201 26th Street NW in Cedar Rapids and 449 24th Street NW in Cedar Rapids.

On May 23, 2014, nine claimants — which the Court will refer to as the Fisher Claimants — filed petitions for hearing to adjudicate their interests in the subject properties, pursuant to earlier judgments obtained by them in state court. *See* docket numbers 147, 148, and 149. On August 11, the Government filed a Response (docket number 183), stating that it had reached an agreement with the Fisher Claimants regarding their respective rights to the proceeds in the forfeited property. On September 3, I filed

a Report and Recommendation (docket number 185), recommending that the Court order the United States and the Fisher Claimants to submit a proposed order to the Court for approval. No objections have been made to the Report and Recommendation.

At the instant hearing, it became clear that there is no quick and easy way to establish the disposition of funds obtained from the sale of any forfeited property. It is the Court's understanding that there are additional persons making claims on the property, including the Internal Revenue Service. There may also be one or more mortgage foreclosure actions pending. Moreover, the Court was advised that the forfeiture Order previously entered by the Court was appealed and oral argument was held on February 12, 2015. A ruling on appeal has not yet been entered.

The Court notes that the instant motion — and the accompanying Order — do not purport to establish priority among the various claimants. Rather, it simply establishes the agreement between the United States and the two claimant limited liability companies. No resistance has been filed to the instant motion, and none was expressed at the time of hearing. Accordingly, I recommend that the Court sign the proposed order approving the stipulation.

RECOMMENDATION

For the reasons set forth above, I respectfully recommend that the Court grant the Motion for Entry of Order (docket number 213) by signing the proposed order (docket number 213-1). The parties are advised, pursuant to 28 U.S.C. § 636(b)(1), that within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections with the district court. *The parties are reminded that pursuant to Local Rule 72.1, “[a] party asserting such objections must arrange promptly for a transcription of all portions of the record the district court judge will need to rule on the objections.” Accordingly, if the parties are going to object to this*

*Report and Recommendation, they must promptly order a transcript of the hearing held
on March 12, 2015.*

DATED this 24th day of March, 2015.



JON STUART SCOLES
CHIEF MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA